

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRITTANY SIMON,)	
)	CASE NO:
Plaintiff,)	
)	
v.)	Removed from the State Court of
)	Gwinnett County, Georgia
DIVISIONS, INC. (KY),)	Civil Action File No:
)	23-C-02569-S4
Defendant.)	

NOTICE OF REMOVAL

Defendant Divisions, Inc. (“Defendant”), by and through undersigned counsel of record and pursuant to 28 U.S.C. § 1446, file this Notice of Removal of the action now pending in the State Court of Gwinnett County, State of Georgia, Civil Action File No. 23-C-02569-S4, styled *Brittany Simon v. Divisions, Inc.* (the “civil action”), respectfully showing this Honorable Court as follows:

1. On April 18, 2023, Plaintiff Brittany Simon (hereinafter “Plaintiff”) filed the civil action in the State Court of Gwinnett County, State of Georgia. Copies of the Summons and Complaint filed by Plaintiff are attached hereto as “Exhibit A.”
2. In the civil action, Plaintiff pursues a cause of action for negligence and vicarious liability against Defendants arising out of an April 24, 2021, slip and

fall in which Plaintiff alleges she sustained injuries. *See generally* (Complaint).

3. In the civil action, Plaintiff states she sustained serious injury, physical pain, mental pain, and psychological suffering including medical expenses in excess of \$100,000.00. (Complaint ¶¶ 41, 42).
4. Because the amount in controversy in the civil action exceeds \$75,000.00, exclusive of interest, costs, and attorney's fees, the amount in controversy requirement necessary for removal pursuant to 28 U.S.C. §§ 1332(a), 1441(b) is satisfied.
5. At all times material to this litigation, Plaintiff has been a resident of the State of Georgia. (Complaint ¶ 1).
6. At all times material to this litigation, Defendant has been a for profit corporation organized under the laws of the State of Kentucky with its principal place of business in the State of Kentucky.
7. Because the civil action is between citizens of different States, removal on the basis of diversity is proper pursuant to 28 U.S.C. §§ 1332(a), 1441(b).
8. The civil action was commenced in the State Court of Gwinnett County, State of Georgia on April 18, 2023. Plaintiff filed a Notice of Service of Process indicating that she had served the registered agent of Defendant with a copy

of the Summons and Complaint on April 19, 2023. Accordingly this notice is timely filed pursuant to 28 U.S.C. § 1446(b)(1) and Fed. R. Civ. P. 6(a)(1)(C).

9. Pursuant to 28 U.S.C. § 1446(d), Defendant has provided written notice to all adverse parties and have filed a copy of this Notice of Removal with the Clerk of the State Court of Gwinnett County, State of Georgia (A copy of the Notice of Filing of Notice of Removal submitted to the Clerk of the State Court of Gwinnett County, State of Georgia is attached hereto as “Exhibit B”).
10. This civil action is a companion to this Court’s Civil Action File Number 1:23-cv-00841-ELR, styled *Brittany Simon v. Phillips Edison & Company LTD., Spivey Junction Station LLC, The Kroger Co., John Doe #1 – 4*. (Complaint ¶ 8).

WHEREFORE, Defendant respectfully submits this matter to this Court’s jurisdiction and removes the civil action to this Court.

This 19th day of May, 2023.

**GORDON REES SCULLY
MANSUKHANI, LLP**

/s/ Kimberly B. Myers

Kimberly B. Myers

Georgia Bar No.786858

Chad A. Shultz

Georgia Bar No. 644440

55 Ivan Allen Jr. Blvd N.W., Suite 750

Atlanta, GA 30308

Telephone: (404) 869-9054

Facsimile: (678) 389-8475

kmyers@grsm.com

cshultz@grsm.com

Attorneys for Defendant Divisions, Inc.

CERTIFICATE OF SERVICE

This is to certify that I have filed the within and foregoing *NOTICE OF REMOVAL* using this Court's efilings system which will cause electronic service upon counsel of record, and served copy by First Class U.S. Mail with adequate postage attached addressed to:

Morgan L. Medders
The Medders Law Firm, LLC
2870 Peachtree Road, #104
Atlanta, GA 30305
morgan@medderslawfirm.com
Counsel for Plaintiff

This 19th day of May, 2023.

/s/ Kimberly B. Myers

Kimberly B. Myers

COUNSEL